

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

AND RELATED COUNTERCLAIMS.

**Civil Action No: 2:07-CV-229**

**The Honorable T. John Ward  
United States District Judge**

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE  
AS TO DEFENDANT MOTOROLA, INC.**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Minerva Industries, Inc. ("Plaintiff") and Defendant Motorola, Inc. ("Defendant"), and by their attorneys, that pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii) Plaintiff's claims in the above-captioned action be, and they hereby are, dismissed with prejudice, and the Defendant's counterclaims in the above-captioned action be, and they hereby are, dismissed as moot.

Each party shall bear its own costs and attorneys' fees.

The parties jointly move for an order granting same.

Dated: August 5, 2009

Respectfully submitted,

By: /s/ Marc A. Fenster

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By: /s/Michael E. Jones

(w/permission by Marc A. Fenster)

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 5, 2009. Any other counsel of record will be served via First Class U.S. Mail on this same date.

By: /s/ Marc A. Fenster